

TOWN OF UNION BOARD MEETING

Minutes for October 4, 2007

The Town of Union Monthly Board Meeting was called to order at 7:02 pm on Thursday, October 4, 2007 at the Eager Free Public Library, 39 W. Main Street, Evansville, WI by Chairman Kendall Schneider. Supervisors George Franklin and Don Krajeck were also present. The Pledge of Allegiance was recited.

Agenda items #9 & #10 were moved ahead of Public Comments to accommodate Ron Combs' schedule.

Clerk's Minutes

The minutes of the September 6, 2007 Board meeting were reviewed. George Franklin moved to approve as written. Second by Don Krajeck. Minutes of September 6, 2007 approved.

Treasurer's Report

Sharon Franklin, Treasurer, reported balances as of September 30, 2007 as follows:

Local Government Investment Pool General Fund	\$ 1,058.58
Park and Recreation Fund	\$ 11,903.40
UB&T Money Market Sweep Account	\$171,001.20
Of which \$50,000 is Contingency Fund	
UB&T Checking Account	\$ 18,000.00
Leedlemill Bridge Certificate of Deposit	\$ 16,887.20
Wayne Disch Memorial Park Fund	\$ 1,718.60
Morning Ridge Stub Road Certificate of Deposit	\$ 17,455.84
ESCROW Accounts:	
Conifer Hills 3 rd Addition	\$ 4,000.00
Donna Garvoille	\$ 2,000.00
Affholder	\$ 4,000.00

Treasurer's report approved as read.

Treasurer Franklin stated that the Morning Ridge CD was just renewed. Road aid funds will be reported on the November treasurer's report.

Building Inspector's Report

Town of Union Building Inspector Bob Fahey reported issuing seven (7) building permits last month.

Date	Permit #	Name	Address	Description	Construction Cost	Permit Fee	Inspector's Fee Due
9.10.07	07-34-B	Magee Const./Evansville Water & Light	W Marsh Rd	New 12' X 18' building for substation	\$ 20,323.66	\$ 120	\$ 110
9.12.07	07-35-B	Mark Schwengels	15815 W Cty Hwy C	16' X 20' shed	\$ 3,500.00	\$ 120	\$ 110
9.14.07	07-36-B	Bonnie Hill	6909 N Hwy M Lot 39	9' X 12" deck	\$ 900.00	\$ 120	\$ 110

9.21.07	07-37-B	Marvin Huff/Richard Tanner	11120 N East Union Rd	Addition to home, south and east side	\$ 135,000.00	\$ 375	\$ 330
9.24.07	07-38-B	Josh Fugate	9017 N Tupper Rd	30' X 40' shed	\$ 6,000.00	\$ 165	\$ 150
9.26.07	07-39-B	Michael Lezotte	7536 N Orchard View	Addition to Attached garage	\$ 12,000.00	\$ 375	\$ 330
9.26.07	07-40-B	Eaton Brothers Const/Al Crocker	7201 N Territorial Rd	Detached Garage	\$ 25,000.00	\$ 180	\$ 165
9.2.07		Affholder Zoning request	Hwy 14 Union	Subdivision			\$ 80
9.21.07	05-50-B	Berg/Woodworth Builders Clark Brunner new owner	7216 N Weary Rd	Occupancy for new home			
9.25.07	07-15-B	Magee Const/Jerry Binger	8837 N Evansville/ Brooklyn Rd	Occupancy for new home			

Constable's Report

Constable Kim Gruebling reported 1 cat call, no action taken.

Brush Report

Nothing to report.

Final CSM Review and Approval – Conifer Hills 3rd Addition

The road for the addition is currently under construction, utilities will be in soon. Kendall Schneider noted some of the existing asphalt is thin and washing out, Ron Combs stated that much of it will be replaced with this addition.

Motion to approve final CSM for Conifer Hills 3rd Addition contingent upon confirmation of letter of credit on file with Town, and approval of roads by Rock County and town engineer made by Kendall Schneider. Second by George Franklin.

Roll call vote:

Kendall Schneider – Y; George Franklin – Y; Don Krajeck – Y. Motion passed unanimously, 3-0.

Final CSM Review and Approval – Every Property

Ron Combs clarified there will only be one driveway once construction is completed. Schneider would like to see a shared drive agreement in place or there could be the potential for two driveways in the future, due to the fact that the existing driveway is not located on the property in question, but on adjacent land owned by relatives. The shared driveway could be an issue if either property is sold in the future. George Franklin asked if the new location of the driveway is in an acceptable location? Bob Fahey stated that there must be a clear sight line of 300' in either direction. Combs stated that the sight lines were checked and meet requirements. Combs also stated that on access controlled highways, distance between driveways is required to be 600'; however not all county trunk roads are access controlled.

Motion to approve final CSM for Every property contingent upon driveway being placed at top of knoll, and driveway approved by the building inspector made by George Franklin. Second by Don Krajeck.

Roll call vote:

Kendall Schneider – Y; George Franklin – Y; Don Krajeck – Y. Motion passed

unanimously, 3-0.

Public Comment: 3 Minutes Max/Issue

No issues brought before the Board.

Wind Turbine Study Committee Status Update & Funds Request

Jim Bembinster presented the update. Tom Alisankus reported to the Plan Commission at their meeting on September 27, and requested \$500 initial funding for mailings, information procurement, records, etc. The Plan Commission recommended approving \$200 in initial funds. The Committee is currently meeting Saturday mornings, and plan to meet every Saturday for the foreseeable future. Krajeck stated he is not comfortable approving funds for meetings that are not posted in the newspaper; after discussion the Board decided meeting notices should be published if town money is being used by the Committee.

Motion to approve \$200 initial funding for the Wind Turbine Study Committee to be used to obtain information made by George Franklin. Second by Don Krajeck. Motion carried by unanimous voice vote.

Request for Operators License: Union Tavern, Gene's Red Barn

Requests were brought before the Board for Operator's Licenses for Jamison Downing and Melinda DuPree, employed by Gene's Red Barn; and Courtney Collins, employed by Union Tavern.

Motion to approve Operator's Licenses for Jamison Downing, Melinda DuPree, and Courtney Collins made by Kendall Schneider. Second by Don Krajeck. Motion carried by unanimous voice vote.

Cavalier Village Mobile Home Park Update – Ordinance Violations and Licensing

Attorney Brian Kleinmaier stated that the Town is authorized by State statute and Town ordinance to seek forfeitures for ordinance violations and revoke the park's mobile home license. At this point the Town must identify ordinance violations and potentially revoke the park's mobile home license. The Town's ordinance requires the Town to give notification to the park of the violations and a timeline to correct the violations. If the license is revoked, Town must be prepared to shut down the park. The process was outlined as such: 1) send memo to the park owners, identifying the ordinance violations and giving them 90 days to bring the park up to code. 2) If the corrections to the ordinance violations are not made within the time allotted, the Town will schedule a hearing to revoke the park's license. If the park is not up to code, the license will be revoked for this reason – operating a mobile home park without a license is an ordinance violation. 3) The park owners have 20 days to appeal the Town's decision in circuit court. If no action has been taken by the park owners within 20 days, the Town can file a motion in circuit court. Schneider asked about the timeline to set up hearing if it came to that? Attorney Kleinmaier stated that it would depend on whether the Town wants to have their attorney involved, if so the attorney would need to meet with the building inspector, who would inspect the property again following the initial 90 day deadline for correcting violations. Following that, 10 days notice of the hearing is required to be provided to the park owners. The process could be done by early 2008. Schneider voiced his concern that some current ordinance violations are resulting in safety concerns, such as fire protection, setback issues, septic system, storage sheds built without permits and set up as workshops with electricity and air conditioning. There are

additional boundary issues regarding the park property as well.

Attorney Kleinmaier recommended that the Town Board make a motion to notify the property owners of zoning violations, with notification coming either from the Board or through legal counsel. The deadline to correct the violations can be any reasonable amount of time up to 90 days. Krajeck asked if at the end of the process, the current owner has not brought the park up to code and instead decided to sell the park as is, would the new owner have to bring the park up to code? What would the process be to ensure the violations were corrected by the new owners? According to Attorney Kleinmaier, the new owner would be required to bring the park up to code, and would have to go through the established mobile home park application process. Krajeck questioned if the park was closed by the Town, who would then be responsible for the expenses related to closing the park, and expenses related to care of the site? The current owners would most likely be responsible for the costs, but the Town may be unable to collect from the owners depending upon their financial situation. Kleinmaier will research this question and provide the Board with a definitive answer.

Motion to authorize counsel to send a letter to the owners of the Cavalier Village Mobile Home Park notifying them of current zoning violations and providing a 90 day deadline for correction of violations made by Don Krajeck. Motion seconded by George Franklin. Motion carried by unanimous voice vote. Attorney Kleinmaier will send a draft letter to the Board for review and approval.

Discussion of Open Meeting Law and Posting Locations

Attorney Kleinmaier reviewed the memorandum distributed to the Board regarding Wisconsin's open meeting law and posting requirements.

The Town must post agendas for all Town meetings, ordinances & resolutions adopted by the Town, and legal notices. There are 3 types of notices, Class 1, Class 2 and Class 3, each of which has different posting requirements. Consistency in postings is important; for example, if the Town decides to begin posting notices in places outside the Township (Piggly Wiggly, Eager Free Library, etc) the notices must be posted at those locations for every meeting. The Town's website does not count as a posting location, however it should be updated with any last minute agenda changes. Schneider stated that the website should include a disclaimer that it is not an official posting site and users should check the Town's official posting sites for the most current meeting agendas.

Meeting notices must be posted at least 24 hours in advance, unless just cause can be shown for not doing so, in which case notices should be posted not less than 2 hours in advance.

Ordinances must be posted at locations within the Town; open meetings can be posted at locations outside of Town likely to give notice to the public. If publishing ordinances, they do not have to be posted.

Krajeck suggested if the posting locations will be changed, notice should be given to the citizens of the Town; best way to achieve this notification would be through the annual Town newsletter published in November and sent to all citizens with their tax bills. Board agreed with this process; no changes related to discontinuing posting locations will be made until notification in November, notices will continue to be posted at the

Evansville Review, Worthington Ag Parts, and Union Co-op. Additionally, notices will be posted at the Piggly Wiggly and Eager Free Public Library from this point forward.

Escrow Fees Review: Shotliff

At this point in time with information provided, Randy Shotliff is agreeable to a \$1,814 credit to his escrow account.

Motion to credit \$1,814 to the escrow account of Randy Shotliff made by Kendall Schneider. Second by Don Krajeck. Motion carried by unanimous voice vote.

2007 Roadwork Planning and Old 92

Regarding Finn Road and Long Road, Schneider stated that Rock County suggested having a private company bid them. An estimate was received from Wolf Paving to do a 2 ¼" lift on Finn Road for \$27,435; 2 ½" lift on turn around on Long Road, 2" lift on remainder of Long Road for \$12,195. Total estimate from Wolf Paving for Finn and Long Roads \$39,630.

Motion to contract with Wolf Paving to perform work detailed on Finn Road and Long Road at a total cost of \$39,630 made by Kendall Schneider. Second by Don Krajeck. Motion carried by unanimous voice vote.

Krajeck stated that Old 92 was milled and not pulverized. Schneider stated that milling was done due to concerns about cracks returning.

Schneider updated the Board on the FEMA visit; FEMA representatives looked at storm damage/washout on Weary Road, however the total County dollar amount of damage was not enough to qualify for FEMA assistance. Regarding the bridge on Milbrandt Road, which is shared with Magnolia: the side not repaired previously has now washed out. To replace the bridge, Magnolia & Union would have to share 25% of the replacement cost, with Rock County paying the remainder of the cost. Krajeck feels further repairs to the bridge are futile. Cost for full repair/replacement is unknown at this time.

Motion to approve Flood Damage Aid Petition in cooperation with the Town of Magnolia made by Don Krajeck. Second by George Franklin. Motion carried by unanimous voice vote. Exact date flooding occurred is needed on the petition; Board members will research and provide date to petition organizers.

Sharon Franklin stated that north Weary Road runs right up to the edge of the ditch, whereas the east-west section of the road has a shoulder. Can this be changed to allow for a shoulder on the northern section of the road? This would be a large change to make, as the ditching would have to be changed completely.

Schneider stated that all previously approved road repairs should either be done by now or work should begin within the next week or two.

Schedule Budget Planning Meeting

Town Board Budget Planning Meeting was scheduled for Tuesday, October 16, 2007 at the home of George and Sharon Franklin beginning at 7:00 pm.

County Highway M Connectivity Agreement with City of Evansville

Nothing to report.

Intergovernmental Government Cooperation Committee

Nothing to report.

Recycling Center

Motion to change recycling center attendant hours to 7.5 hours to allow for their arrival 15 minutes prior to the center opening and staying 15 minutes past closing made by Kendall Schneider. Second by Don Krajeck. Motion carried by unanimous voice vote.

\$2,500 is still available in the 2007 budget for the recycling center; could possibly be used to build a "reuse" building. Jerry Krueger stated that the two older sheds at the center will need new roofs in the next year or two.

Snowplowing bid advertisement for the recycling center for 2008 will be published in October for Board approval in November.

Pay Bills

There being no further business to come before the board, a motion was made by Supervisor Krajeck, second by Supervisor Franklin, to adjourn the meeting. Bills were approved for payment and the meeting was adjourned.

Respectfully submitted by:
Clerk Regina Ylvisaker

Note: Minutes are considered draft until reviewed and approved by the Town Board at a properly noticed meeting.